

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-9, 11-15, and 26-28 are pending in the application, with 1, 4, 7, 11, 12, and 18 being the independent claims. Claims 1-6 have been amended. Claim 29 has been added. Support for this amendment is found throughout the specification which refers to "mobile access nodes (MAN)." These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 101***

In the Office Action, claims 11-15 and 26-28 were rejected under 35 U.S.C. §101 "because the claims are directed to a signal and data burst that contains non-functional descriptive material." Applicants respectfully traverse this rejection. Independent claims 11 and 12 recite a wireless link signal having certain characteristics including a data field bounded by two predetermined synchronisation sequences. The recited synchronisation sequences are inherently functional because they provide synchronisation to the signal. Furthermore, as stated in Section 2106 of the M.P.E.P., "[a] signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature." Claims 11-15 and 26-28 recite a functional and practical application of a wireless link signal. Therefore, reconsideration and withdrawal of this ground of

rejection as to independent claims 11, 12 and their respective dependent claims 13-15 and 26-28 under 35 U.S.C. §101 are respectfully requested.

***Rejections under 35 U.S.C. § 103***

Claims 1-5 and 18 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Scott, *et al*, U.S. Patent 6,388,997 (Scott) in view of Tomota, Japanese Patent No. JP 407046660 A (Tomota). Applicants respectfully traverse this rejection.

In rejecting claim 1, the Office Action states that although Scott "does not disclose a method of receiving a burst with a time slot indication indicating a time slot within which the burst was transmitted," Tomota discloses this method. Therefore, it would have been obvious to combine the teachings of Scott and Tomota to achieve applicants' invention.

In applicants' invention, a mobile transceiver transmits a burst including an indication of the time slot within which the burst was transmitted. The transceiver at the satellite access node (SAN) receiving the burst uses the time slot indication to calculate a timing error. *See* Specification, page 12, line 28 - page 13, line 18. Applicants have amended claims 1-6 to recite that it is the "mobile transceiver" that transmits the burst including the time slot indication.

Because the rejection relied only on the English language abstract and a machine translation of the Tomota patent, Applicants prepared a certified translation of Tomota, as attached. Tomota describes the inserting data indicating the position of a slot within frame of a control signal "transmitted from at least one of the wireless base stations." *See* Certified English Translation of Tomota, paragraph 17. Tomota does not describe receiving a "burst transmission including a time slot indication indicating a time slot

within which the burst was transmitted" from a mobile transceiver, as recited in Applicants' amended claim 1. Furthermore, Tomota is not concerned with correcting the timing of the mobile transceiver, but rather with the synchronisation of multiple base stations which potentially interfere with each other. *See* Certified English Translation of Tomota, paragraphs 14-17 and 21-23. Applicants submit that there is no suggestion or motivation in either Scott or Tomota to modify either of these references to include a time slot indication in the transmission from the mobile transceiver. For at least these reasons, claim 1 is patentable over the combination of Scott and Tomota. Reconsideration and withdrawal of this ground of rejection is therefore respectfully requested.

The Office Action also rejects claim 18 for the same reasons as claim 1. However, the subject matter of claim 18 is distinct from that of claim 1. The Examiner has not explained why the features of claim 18 could be found in the combination of Scott and Tomota. Therefore, Applicants cannot address the reference relative to this claim. It is respectfully requested that, if the Examiner does not believe that the foregoing arguments are sufficient to place this application in condition for allowance, he issue a new, non-final Office Action stating the specific ground of rejection to be applied against claim 18.

In the rejection of independent claim 4, the Examiner appears to treat independent claim 4 as a dependent claim of claim 1. As amended, independent claim 4 relates to a method corresponding to claim 1, but recites the steps carried out by the mobile transceiver rather than the network, as in claim 1. Therefore, Applicants submit the Examiner should have addressed the patentability of claims 1 and 4 together. As discussed above, there is no suggestion or motivation in either Scott or Tomota to

modify either of these references to include a time slot indication in the transmission from the mobile transceiver. For at least these reasons, claim 4 is patentable over the combination of Scott and Tomota. Reconsideration and withdrawal of this ground of rejection is therefore respectfully requested.

In the rejection of dependent claims 2 and 5, the Office Action states that "Scott further discloses a method of transmitting to the transceiver a time slot allocation in a plurality of time slots." *See* Office Action, page 3. Applicants respectfully disagree with the Examiner's understanding of Scott. The cited passage of Scott discloses that each user station is allocated a single time slot in turn, and not a plurality of time slots as recited in claims 2 and 5.

In the rejection of dependent claim 3, the Office Action states that "Scott further discloses the plurality of time slots forming a sequence block whose length is greater than the maximum variation in the propagation delay." *See* Office Action, page 3. Applicants respectfully disagree with the Examiner's understanding of Scott. Scott does not disclose allocating a plurality of time slots forming a sequential block to a particular mobile transceiver. Instead, Scott discloses allocating only a single time slot in turn to the mobile transceiver.

For at least these reasons, independent claims 1, 4, and 18 and their respective dependent claims 2-3 and 5-6 are patentable over the combination of Scott and Tomota. Reconsideration and withdrawal of this ground of rejection is therefore respectfully requested.

Claims 6 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scott and Tomota in view of Kronz, WO 99/00931 (Kronz). Claim 10 was canceled

in the amendment filed on May 27, 2003. Therefore, the rejection as to claim 10 is moot. Applicants respectfully traverse this ground of rejection with respect to claim 6.

Amended claim 6 depends from claim 5 which depends from independent claim 4. The differences between the subject matter claimed in claims 4 and 5 and the combination of Scott and Tomota have been discussed above. Kronz adds nothing to the combination of Scott and Tomota that overcomes their deficiencies relative to the herein claimed invention. For at least these reasons, claim 6 is patentable over the combination of Scott and Tomota in view of Kronz.

***Other Matters***

The drawing sheet containing Figures 9 and 10 has been replaced with two replacement drawing sheets containing Figures 9a, 9b, and 9c and Figures 10a, 10b, and 10c as shown in the concurrently submitted Request to Approve Proposed Drawing Correction. The Figures presented on the replacement sheets are identical to the Figures originally filed with the application on November 15, 1999. When the formal drawings were filed on October 27, 2000, originally filed Figures 9a-c and Figures 10a-c were erroneously switched with Figure 9 and 10 from co-pending application 09/440,468.

In addition, Applicants have included a marked-up copy of the drawing sheet containing Figures 9 and 10 labeled "Annotated Marked-up Drawings." The marked-up copy indicates that the entire sheet is to be replaced with the submitted replacement sheets.

The replacement sheets add no new matter to this application. Applicants request that the Examiner approve the proposed replacement sheets.

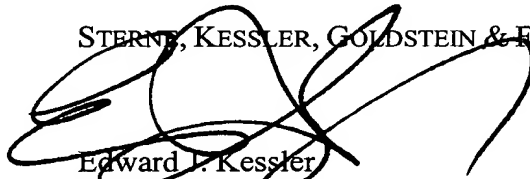
***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward J. Kessler  
Attorney for Applicants  
Registration No. 25,688

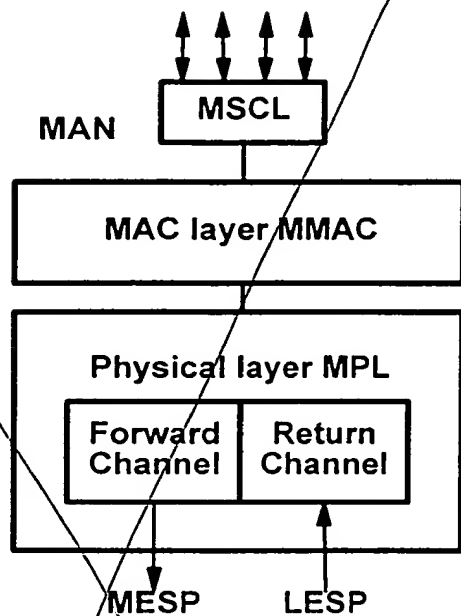
Date: 12/17/03

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

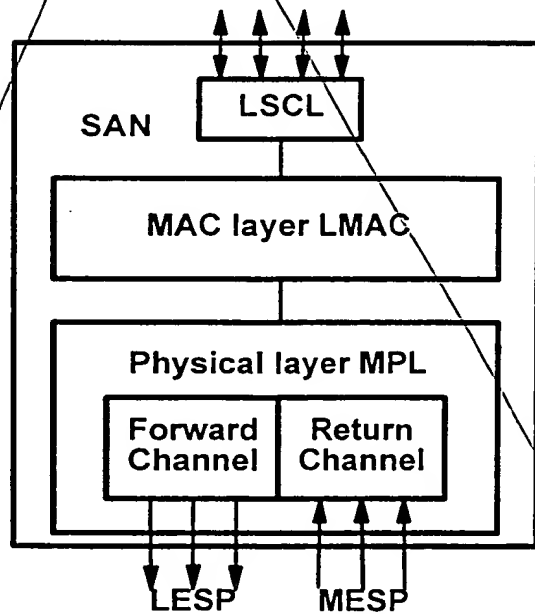


Annotated Marked-up Drawings

**FIG. 9**



**FIG. 10**



cancel and  
replace with  
Figures 9a, 9b, and 9c  
and  
Figures 10a, 10b, and  
10c